Following on from Eric's initiative on marijuana, I'd like to propose that we move forward to hold a hearing in early June on traffic stops. Traffic stops were justified by MCPD to the PAC on two grounds: first, and most strongly, as a means of preventing accidents. Second, as a means of enforcing rules against the operation of unsafe vehicles, given that Maryland does not have a vehicle inspection program.

Philosophy

Traffic stops are a means of asserting police control. As such they are part of the dominance model of policing. Despite police claims to the contrary (as made in the course of PAC training), being subject to a traffic stop does <u>not</u> result in an improved view of police among the community, or in increased trust. Currently, it appears that traffic stops are made for a variety of reasons, and that no attention is paid to the financial or reputational impact of this approach.

It would therefore be appropriate for the PAC to consider the following recommendations:

1) The number of traffic stops should be minimized, as they are a burden on police and citizen time
2) The traffic division should be responsible for all traffic policing and stops policy. This was apparently a planned move, which was delayed by COVID. There is no reason for this to be delayed further.
3) MCPD should not be conducting pretext stops. All stops should be explicitly linked to a violation, and no further police activity (e.g. search) should be permitted absent strong evidence for further criminal activity. Smelling marijuana should not be taken as evidence of further criminality.
4) The County should seek to automate traffic enforcement to the maximum extent possible. More red light and speed cameras would be appropriate. If the current state administration objects, the annual budgetary process in Annapolis could be an appropriate vehicle for driving change there.
5) MCPD should ensure that the number and type of traffic stops should not play a role in assessing the effectiveness of officers, or play any role in police incentives (e.g. promotion assessments)
6) MCPD should provide an annual analysis of traffic stops. This analysis should provide the following information:
   - The number and location of traffic stops
   - Race and gender breakouts
   - Initial cause of stop
   - Outcome of stop

- An explanation of traffic stop strategy: is it focused for example on drunk driving, on specific accident-prone intersections, in areas of known speeding violations, near schools during drop-off and pick-up hours?
- An assessment that explain show successful or otherwise the strategy was in meeting objectives.

Specific areas of concern and related questions for MCPD

Stops and Accidents

Detailed statistical analysis of the relationship between traffic stops and accidents shows that only 18.5% of the distribution of traffic stops across Montgomery County is explained by the distribution of accidents. Areas that have very high numbers of traffic accidents often have relatively few stops (see attached data). Conversely, many areas that have no accidents at all have significant numbers of traffic stops, and areas with a handful of accidents may have high numbers of stops.

Questions for MCPD:

1) Can the police explain how traffic enforcement is related to accident prevention?
2) Are there data and analysis that show that enforcement actions *reduce* accidents and especially injury accidents)?
3) Has MCPD completed or commissioned any studies that explore the relationship between accidents and traffic stops?

Repairs

Safety violations affect all road users; unsafe vehicles can clearly affect other drivers via accidents. and. MCPD does issue a large number of repair orders annually. However, not all vehicle safety issues are the same: balding tires are more important than a cracked turn signal. More significantly, the current approach doesn't address critically important safety issues that are not visible at all: notably failing brake and steering systems

Questions for MCPD:

1) can MCPD provide a breakout for the detailed cause of "safety stops"?
2) can MCPD provide data on follow-ups for traffic safety stops? Are further reminders etc. sent to the owners of stopped vehicles?
3) long term impacts - can MCPD provide data on the number of safety stops that eventually lead to warrants for noncompliance?

Pretext stops

"Pretext stops" are stops that are made on a pretext like a perceived safety issue or the highly subjective identification of an unsafe lane change. These stops offer police officers the opportunity to explore whether other offenses can be found and pursued. The Supreme Court has determined that pretext stops do not violate the Constitution. However, that does *not* mean that MoCo policy should permit pretext stops - the Court decision does not make them compulsory.

Questions for MCPD:

1) can MCPD provide any data that would identify which stops are "pretext stops," and hence their share of all stops?
2) can MCPD provide data that would determine which offense in a multi-offense stop was the initiating cause of the stop?
3) can MCPD provide data that show that "pretext stops" (or indeed traffic stops more generally) improve the safety of the community. For example, how many guns were seized during traffic stops (for the past 5 years)? How many outstanding warrants led to arrests during traffic stops during the same period?

Costs of traffic stops

The Montgomery County operating budget for FY22 includes $283m for MCPD, of which 84% is personnel. District budget costs are approximately $125m, and there are about 1,000 sworn officers, so each officer costs about $125,000 annually. They each work about 2,000 hours, so the hourly cost to keep an officer on the street is about $62.50. Thus very approximately each traffic stop costs about $20 (at 20 minutes per stop) in direct officer costs. MCPD make about 120,000 traffic stops annually, so the direct budgetary cost of stops is about $2.4 million.

Median household income in Montgomery County is $110,000. Per capita income is $54,000. Data on average individual earnings are harder to find, but can be estimated at about $74,000, or about $37 per hour. Thus traffic stops impose time costs on motorists of approximately $1.5 million annually.

Questions for MCPD:

1) Has MCPD undertaken any cost-benefit analyses in recent years to assess the costs and values of traffic stops relative to other policing expenditures?
2) If so, will MCOD share the results of this analysis?

Officer incentives and evaluations

It is a challenging job of police managers to determine whether officers out on the streets at operating effectively. One potential metric is to record the number of traffic stops.

Questions for MCPD

1) Are the number and of and results from traffic stops used by management to assess officer activity levels and efficacy?
2) If traffic stops do not play a role, which objective metrics are play a role in those assessments?